

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

CHLOE ALLEN and SANDRA  
ALLEN as next friend of H.A,

Plaintiffs,

v

Judge Hala Y. Jarbou  
Magistrate Judge Maarten Vermaat  
No. 23-00200

ESCANABA AREA PUBLIC SCHOOLS,

Defendant.

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**EXHIBIT H (REDACTED) TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

## EXHIBIT H

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF MICHIGAN

3

4 CHLOE ALLEN, ET AL.,

5 Plaintiffs,

6 vs.

Case No. 23-00200

7 ESCANABA AREA PUBLIC SCHOOLS,

8 Defendant.

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10 PAGE 1 TO 58

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13 The Deposition of COBY FLETCHER, E.D.D.,

14 Taken via Luzod Remote,

15 Commencing at 10:04 a.m.,

16 Tuesday, September 24, 2024,

17 Before Becky L. Harris, CSR-5395.

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25 Court reporter, attorneys & witness appeared remotely.

1 and so typically practice -- anywhere I've ever been,  
2 has been to leave the composition of the team to the  
3 discretion of the coach.

4 Q. Okay. Do you know anything about how practice players  
5 or student managers are able to get in those positions?

6 A. No.

7 Q. Okay. Have you ever seen Chloe play hockey?

8 A. I have never seen Chloe play hockey.

9 Q. Okay. And is the same true with [REDACTED], never  
10 seen him play hockey?

11 A. That's also true with [REDACTED] yes.

12 Q. Okay. Let's talk about Title IX. Have you ever had  
13 any sort of experience with Title IX in your position?

14 A. So in particular in regards to training, the policy  
15 side of things, that has been my primary experience  
16 with Title IX.

17 Q. Okay. And what -- I guess we'll talk about Escanaba  
18 then. Have you had any sort of training, Title IX  
19 training --

20 A. Yes.

21 Q. -- during this position -- or for this position, sorry?

22 A. Sorry, I almost answered while you were asking the  
23 question.

24 Q. I told you it was going to happen.

25 A. Yeah, I know. I'll try to do better. The -- yes, I

1           have had training with Title IX. It's been very  
2           interesting and -- in particular because Title IX has  
3           been changing quite a bit lately over the past several  
4           years. There have been quite a few changes in the  
5           Title IX.

6   Q.    What sort of training have you had as it relates to  
7           your time at Escanaba?

8   A.    So typically I go through training with Thrun Law Firm.  
9           So recently, a couple of weeks ago, I just went through  
10          a three-hour training on the new Title IX regulations.  
11          So it's typically that type of trainings.

12   Q.    Okay. And I don't know -- trying to get some sense of  
13          a number, I don't expect you to have an exact number.

14                   How many Title IX trainings have you  
15          participated in regarding Escanaba?

16   A.    Yeah, that's a good question. Lots of training. I  
17          couldn't give you hours, but probably, you know, four  
18          or five trainings with Thrun Law Firm. There are a  
19          variety of other different organizations that, as  
20          superintendent, you're involved in; so the Michigan  
21          Association of School Boards, the Michigan Association  
22          of School Administrators where Title IX is a very  
23          frequent topic of conversation as well, so training --

24   Q.    Okay. And do you know anything about the training that  
25          your staff -- that the other school staff gets, like

1 we'll talk about the athletic director, know anything  
2 about any training they receive in Title IX?

3 A. So staff typically get training through Vector  
4 Solutions, that is a group that we have access to  
5 through our insurers at SAG. All of our staff went  
6 through the new Title IX training this year as well.

7 Q. Okay. When you say all staff, you know, we're talking  
8 teachers, the administrators, athletic director?

9 A. Uh-huh, correct.

10 Q. Okay. Other than those Vector trainings, any other  
11 sorts of trainings for the staff?

12 A. It varies by position. So the law requires us to  
13 provide a general training to all of our staff, at the  
14 beginning of the year this year in particular. And  
15 then we have other members of our staff who receive  
16 more intensive training. So administrators and the  
17 athletic director are Title IX coordinators, all went  
18 through the lengthier training with Thrun Law Firm this  
19 year.

20 Q. And that's in person?

21 A. That is via Zoom.

22 Q. Okay. Have you ever handled a Title IX complaint?

23 A. We had one previous Title IX complaint that was  
24 employee on employee that we handled.

25 Q. Okay. You're talking about as superintendent?

1 A. Yes, as superintendent. I did not handle any Title IX  
2 complaints as a principal.

3 Q. Okay. The employee complaint that you handled, what  
4 kind of discrimination was alleged?

5 A. That was a sexual harassment complaint.

6 Q. Okay. And what was your involvement in handling that  
7 complaint?

8 A. I was the decision maker.

9 Q. Okay. To be clear, when you say employee, I mean, are  
10 these two teachers?

11 A. These were staff members, not teachers.

12 Q. Okay.

13 A. I believe they were classified staff members.

14 Q. I see. So let's talk about Title IX as it relates to  
15 some of the issues in this case.

16 From your understanding, what is the school  
17 district's obligation regarding a girl student who  
18 wants to play hockey with your school district?

19 A. Well, I guess from the school perspective, I would  
20 expect that you would not see any sort of  
21 discrimination, you know, take place. But as far as  
22 this specific situation, I believe that Title IX  
23 doesn't actually require it because it's a contact  
24 sport, that's my understanding.

25 Q. Okay. But are you aware that -- well, are you aware

1 BY MR. CLARK:

2 Q. Okay.

3 A. I don't know the specifics of what his involvement was  
4 in any teams that she might have been playing in, but they  
5 do tend to be pretty aware of how anybody who plays  
6 hockey in this area performs. I mean, we're a co-op  
7 team as well, right? So we also co-op with Gladstone,  
8 which is the neighboring school. And even then, even  
9 though we're two separate communities, we're two small  
10 communities in the same regional area and the little  
11 awareness I have of hockey is that they all know each  
12 other very, very well.

13 Q. Okay. I'll go on to the next paragraph that talks  
14 about you being interviewed. It says -- this is what  
15 you are telling the investigators. It says:  
16 Mr. Wilson also confirmed that student one made a  
17 request to be a team manager or to participate in any  
18 other available role for the hockey team and that in  
19 response Coach Johnson made the statement to the effect  
20 that she could not because she was not what he  
21 envisioned for his team.

22 From your standpoint as a superintendent, do  
23 you see any problems with what you reported back there?

24 A. Yeah, it would really be the same for me; that is to  
25 say, that a coach has the discretion to determine what



1 the composition of their team is. And even though a  
2 manager may not be a practicing member of the team or a  
3 practice player, for example, might not be involved to  
4 the same extent that, you know, skaters on the team  
5 are, the coach is going to develop that composition  
6 based on what they think is going to be most likely to  
7 lead to a successful team. And I kind of, I guess, I  
8 understand it from that perspective.

9 Q. Okay. At the end of this investigation, it talks about  
10 next steps. There is a recommendation that letters be  
11 issued to both parties notifying them of the  
12 investigation outcome.

13 Do you recall any letters being sent of that  
14 nature?

15 A. Yes, I believe I sent those letters and I believe they  
16 were also provided to you.

17 Q. Right, okay. So this would be a letter both to the  
18 Allens and to Coach Johnson, right?

19 A. Correct.

20 Q. Okay. And then there's an additional recommendation  
21 that the district hockey team participants and all  
22 coaching staff receive training on harassment and  
23 bullying. Did any of that occur?

24 A. Yes, we used as, I said before, Vector Solutions to  
25 provide that training.

1 Q. Okay. So I think you mentioned Vector as a sort of  
2 annual Title IX training, right, that's the form that  
3 typically happens?

4 A. Yeah, they provide a variety of different trainings  
5 that school districts can use to train their staff.

6 Q. Okay. So those -- that recommendation of training on  
7 harassment and bullying was all done through Vector?

8 A. That's correct.

9 Q. Okay. And that was for the hockey team participants,  
10 as well as coaching staff?

11 A. For participants, we included some additional language  
12 in our athletic handbook that we expect coaches to go  
13 over with the students. And then we provided the  
14 Vector training solutions to the coaches.

15 Q. Okay. So coaches received the Vector training, but not  
16 the players, right?

17 A. The Vector training is more geared towards staff.

18 Q. Understood. And then the training or the action taken  
19 regarding the team participants, the students, was that  
20 the coaches were supposed to go over some of this new  
21 language about bullying and harassment, right?

22 A. Yeah, and we put that in the athletic handbook because  
23 we wanted it to be applicable to pretty much everybody,  
24 right? I mean, you might deal with an isolated event  
25 on a team, but you might also want to make sure that,

1           you know, that doesn't happen in other areas as well.

2           I guess we were trying to be proactive with it.

3    Q.    Okay. Any other measures taken as a result of this  
4           investigation, other than what we've just talked about?

5    A.    No, not to my knowledge.

6    Q.    Okay. Are you aware of any other -- well, any sort of  
7           animosity that was expressed towards any of the Allens  
8           as a result of the events that are the subject of this  
9           lawsuit?

10   A.    Yeah, well, the only thing that I am aware of with  
11          regard to the Allens was Mrs. Allen did call me one  
12          time to say that people -- and I'm only paraphrasing  
13          here because I don't remember exactly what was said,  
14          but that people were not being nice on Facebook. I did  
15          ask if there were any school staff or it was happening  
16          at school and she said no.

17                   We never got any complaints from Chloe that  
18          any of that was going on and we were purposeful in  
19          checking with her. Our policy, you know, does require  
20          us to be supportive of students who make a complaint.  
21          And even though it was coming from the parent, we  
22          wanted to make sure that, you know, Chloe wasn't  
23          dealing with any of that while she was at school as  
24          well. And there were no complaints about staff, no  
25          complaints about what was going on at school; there was